THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.5241 OF 2006

ORAL ORDER:

Heard both sides.

This writ petition is filed seeking a declaration that the action of the 2nd respondent in not issuing post-mortem certificate in Crime No.59/2004 of Somala Police Station, in respect of the post-mortem conducted on one Kamanuru Althaf, son of the petitioners herein, as arbitrary and illegal.

In the counter affidavit filed by the 2nd respondent, though it is not disputed that he had conducted post-mortem on 21.9.2004, several lapses on the part of police officials in registering the crime and giving requisition for post-mortem were alleged.

On behalf of the 3rd respondent, a separate counter affidavit has been filed stating that in spite of the notice issued under Section 91 of Code of Criminal Procedure, the 2nd respondent failed to issue the post-mortem certificate and, therefore, proceedings have been initiated to prosecute him under Section 175 of the India Penal Code.

Since the proceedings are still pending, the interference by this Court at this stage is not warranted.

Accordingly, leaving it open to the 3rd respondent to take necessary steps in accordance with law, the writ petition is disposed of. No costs.

(G. ROHINI).

27th December, 2006.
Kgr

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.5241 OF 2006

27th December, 2006.

Between:
Ramanuru Rasheedabee and another. .. Petitioners.

And

S.V.I.M.S. Institute of Medical Science, represented by
its Registrar and others. .. Respondents.